

AN ORDINANCE approving the awarding of Reference #1604 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and EARTH CONSTRUCTION, INC. for the Parks and Recreation Department.

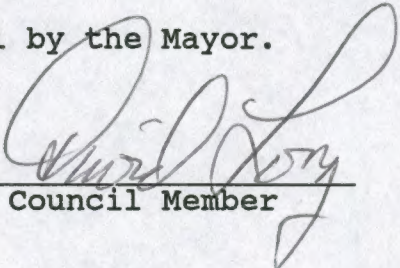
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1604 between the City of Fort Wayne, by and through its Department of Purchasing and EARTH CONSTRUCTION, INC. for the Parks and Recreation Department, respectfully for:

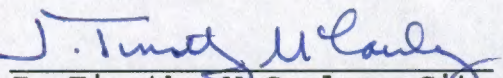
the installation of a sanitary sewer system at Shoaff Park for the Parks and Recreation Department;

involving a total cost of Seventy-Four Thousand Sixty-Eight and no/100± Dollars (\$74,068.00±), all as more particularly set forth in said Reference #1604 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney



REF. NO.:	1604	
DEPT:	PARK DEPARTMENT	
DATE:	06/16/92	
ITEM/SERVICE:	SANITARY SEWER SYSTEM/SHOAFF PK	
PURCHASING INFORMATION		
ADVERTISED BID:	YES	
DATES ADVERTISED:	05/13/92 & 05/20/92	
OPENING DATE:	06/01/92	
WRITTEN QUOTE:	NO	
DUE DATE:		
VERBAL QUOTE:	NO	
SINGLE SOURCE:	NO	
NO. OF VENDORS NOTIFIED:	10	
NO. OF VENDORS RECEIVING BID:	10	
NO. OF VENDORS RETURNING BID:	7	
NO. OF VENDORS DISQUALIFIED:	0	
NO. OF VENDORS NOT RESPONDING:	3	
DATE SENT TO DEPT FOR RECOMM:	06/04/92	
DATE RECOMMENDATION REC'D IN PURCH	06/12/92	
COUNCIL INFORMATION	DATES SENT	EXTENSION DATES
DATE INFO SENT TO LAW DEPT:	06/16/92	
INTRODUCTION DATE:	06/23/92	
DISCUSSION DATE:	07/07/92	
PASSAGE DATE:	07/14/92	
ORDINANCE NO:		
AMOUNT APPROVED AND/OR SPENT LAST YEAR:		

ITEM # QTY		DEHNER CONSTRUCTION		LAND INC		EARTH CONSTRUCTION		BERCOT INC		LIBERTY CONSTRUCTION SCHEIDLEMAN EXCAVATING		ALL STAR CONSTRUCTION	
1	1	\$500.00	\$500.00	\$2,900.00	\$2,900.00	\$4,000.00	\$4,000.00	\$2,675.00	\$2,675.00	\$800.00	\$800.00	\$1,400.00	\$1,400.00
2	293	\$14.78	\$4,330.54	\$10.00	\$2,930.00	\$15.00	\$4,395.00	\$14.00	\$4,102.00	\$10.75	\$3,149.75	\$18.50	\$5,420.50
3	385	\$13.37	\$5,147.45	\$9.00	\$3,465.00	\$10.80	\$4,158.00	\$12.00	\$4,620.00	\$10.25	\$3,946.25	\$17.60	\$6,776.00
4	2	\$200.00	\$400.00	\$300.00	\$600.00	\$245.00	\$490.00	\$350.00	\$700.00	\$265.00	\$530.00	\$250.00	\$500.00
5	2	\$125.00	\$250.00	\$300.00	\$600.00	\$175.00	\$350.00	\$300.00	\$600.00	\$220.00	\$440.00	\$240.00	\$480.00
6	1	\$1,035.00	\$1,035.00	\$1,000.00	\$1,000.00	\$1,245.00	\$1,245.00	\$1,100.00	\$1,100.00	\$1,210.00	\$1,210.00	\$980.00	\$980.00
7	1	\$950.00	\$950.00	\$950.00	\$950.00	\$980.00	\$980.00	\$900.00	\$900.00	\$1,050.00	\$1,050.00	\$850.00	\$850.00
8	2700	\$8.00	\$21,600.00	\$6.00	\$16,200.00	\$3.10	\$8,370.00	\$9.00	\$24,300.00	\$6.25	\$16,875.00	\$5.20	\$14,040.00
9	40	\$25.00	\$1,000.00	\$18.00	\$720.00	\$22.60	\$904.00	\$50.00	\$2,000.00	\$69.00	\$2,760.00	\$30.00	\$1,200.00
10	1	\$30,000.00	\$30,000.00	\$20,000.00	\$20,000.00	\$19,600.00	\$19,600.00	\$32,048.00	\$32,048.00	\$26,725.00	\$26,725.00	\$24,300.00	\$24,300.00
11	3	\$1,885.00	\$5,655.00	\$1,750.00	\$5,250.00	\$1,210.00	\$3,630.00	\$1,500.00	\$4,500.00	\$1,900.00	\$5,700.00	\$1,550.00	\$4,650.00
12	150	\$3.00	\$450.00	\$1.00	\$150.00	\$0.10	\$15.00	\$4.00	\$600.00	\$4.00	\$600.00	\$2.50	\$375.00
13	55	\$25.00	\$1,375.00	\$16.00	\$880.00	\$1.00	\$55.00	\$30.00	\$1,650.00	\$25.00	\$1,375.00	\$12.00	\$660.00
14	1	\$250.00	\$250.00	\$350.00	\$350.00	\$1,050.00	\$1,050.00	\$300.00	\$300.00	\$800.00	\$800.00	\$500.00	\$500.00
15	483	\$11.68	\$5,641.44	\$11.00	\$5,313.00	\$14.00	\$6,762.00	\$13.00	\$6,279.00	\$13.75	\$6,641.25	\$18.40	\$8,887.20
TOTAL BASE BID		\$78,584.43		\$61,308.00		\$56,004.00		\$86,374.00		\$72,602.25		\$82,370.15	\$71,018.70
15	188	\$13.37	\$2,513.56	\$9.00	\$1,692.00	\$8.75	\$1,645.00	\$11.00	\$2,068.00	\$10.25	\$1,927.00	\$17.00	\$3,196.00
16	1	\$125.00	\$125.00	\$300.00	\$300.00	\$285.00	\$285.00	\$300.00	\$300.00	\$220.00	\$220.00	\$250.00	\$250.00
17	866	\$11.68	\$10,114.88	\$9.50	\$8,227.00	\$12.00	\$10,392.00	\$12.60	\$10,911.60	\$13.75	\$11,907.50	\$17.50	\$15,155.00
18	2	\$1,000.00	\$2,000.00	\$950.00	\$1,900.00	\$1,075.00	\$2,150.00	\$900.00	\$1,800.00	\$1,080.00	\$2,160.00	\$750.00	\$1,500.00
19	2	\$950.00	\$1,900.00	\$950.00	\$1,900.00	\$1,030.00	\$2,060.00	\$850.00	\$1,700.00	\$1,050.00	\$2,100.00	\$650.00	\$1,300.00
20	32	\$25.00	\$800.00	\$16.00	\$512.00	\$26.00	\$832.00	\$30.00	\$960.00	\$25.00	\$800.00	\$12.00	\$384.00
21	1	\$150.00	\$150.00	\$200.00	\$200.00	\$700.00	\$700.00	\$100.00	\$100.00	\$500.00	\$500.00	\$600.00	\$600.00
TOTAL ALT 1		\$17,603.44		\$14,731.00		\$18,064.00		\$17,839.60		\$19,614.50		\$22,385.00	
TOTAL BASE & ALT 1		\$96,187.87		\$76,039.00		\$74,068.00		\$104,213.60		\$92,216.75		\$93,403.70	
22	1	\$8,500.00	\$8,500.00	\$8,100.00	\$8,100.00	\$7,500.00	\$7,500.00	\$8,240.00	\$8,240.00	\$10,500.00	\$10,500.00	\$13,300.00	\$13,300.00
23	145	\$6.00	\$870.00	\$6.00	\$870.00	\$3.00	\$435.00	\$8.00	\$1,160.00	\$9.00	\$1,305.00	\$5.00	\$725.00
24	1	\$150.00	\$150.00	\$100.00	\$100.00	\$400.00	\$400.00	\$50.00	\$50.00	\$250.00	\$250.00	\$350.00	\$350.00
TOTAL ALT 2		\$9,520.00		\$9,070.00		\$8,335.00		\$9,450.00		\$12,055.00		\$14,375.00	
TOTAL BASE & ALT 2		\$88,104.43		\$70,378.00		\$64,339.00		\$95,824.00		\$84,657.25		\$85,393.70	

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8. Submitted on June 1, 1992.

By: Contractor

(Corporation XX) (Partnership   ) (Individual   )

(SEAL)

By 

Michael C. Evertson, President  
(Name & Title of Person  
Authorized to Sign)

Business Address Earth Construction, Inc.

3333 Engle Road

Fort Wayne, IN 46809

Phone

Number: 1-219-747-0505

4. BIDDER will complete the Work for the following prices:  
(Where lump sum figures are used, the Contractor shall furnish to the Engineer upon request a detailed breakdown of said lump sum cost. Where unit and unit price figures are used as part of the Bid, they will be used in computing the Contractor's payments. Quantities are not guaranteed. Final payment will be based upon the actual quantities placed in the Work.
5. BIDDER shall complete itemized unit prices and extensions and forward each total for the Base Bid and Mandatory Alternate Bids to this page.

BASE BID

SHOAFF PARK SANITARY SEWER SYSTEM \$ 56,004.00

MANDATORY ADDITIVE ALTERNATE BIDS

ALTERNATE 1 - CONKLIN GRAVITY SEWER SYSTEM \$ 18,064.00

ALTERNATE 2 - CONKLIN GRINDER PUMP SYSTEM \$ 8,335.00

6. The following documents are attached to and made a condition of this Bid:
  - a. Bid Form - Completely executed and signed
  - b. Bid Security - Acceptable bid bond or cashier's check in an amount not less than 5% of the total bid price
  - c. Form 96, Contractors Bid for Public Works including fully executed Non-Collusion Affidavit
  - d. Proof of Insurance
  - e. Emerging Business Enterprise (EBE) Declaration
  - f. Equal Employment Opportunity Affirmative Action
  - g. Certification of Non-Segregated Facilities
  - h. Bidder/Vendor Anti-Apartheid Certification
7. The terms used in this Bid which are defined in the General Conditions of the Construction Contract included as part of the Contract Documents have the meanings assigned to them in the General Conditions.

SHOAFF PARK  
SANITARY SEWER SYSTEM

ADDENDUM NO. 1  
PAGE 2 of 2

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BASE BID

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE		AMOUNT	
				DOLS.	CNTS	DOLLARS	CNTS
1	Mobilization	1	L.S.	4000	00	4000	00
2	6 inch P.V.C. (SDR35) ASTM	293	LFT.	15	00	4395	00
	D-2241 Sanitary Sewer						
3	6 inch P.V.C. (SDR35) ASTM	385	LFT.	10	80	4158	00
	D-3034 Sanitary Sewer						
4	6 inch P.V.C. (SDR21) Cleanout	2	EA.	245	00	490	00
5	6 inch P.V.C. (SDR35) Cleanout	2	EA.	175	00	350	00
6	Standard Manhole Type I and	1	EA.	1245	00	1245	00
	Type J Waterproof Casting						
7	Standard Manhole Type III &	1	EA.	980	00	980	00
	Type A Casting						
8	3 inch P.V.C. (SDR21) ASTM	2700	LFT.	3	10	8370	00
	D-2241 Force Main						
9	Boring for 3 inch Force Main	40	LFT.	22	60	904	00
10	Lift Station	1	EA.	19600	00	19600	00
11	Air Release Valve and Pit	3	EA.	1210	00	3630	00
12	Concrete Sidewalk	150	SFT.		10	15	00
13	Bituminous Patching	55	SYS.	1	00	55	00
14	Construction Engineering	1	L.S.	1050	00	1050	00
15	8 inch P.V.C. (SDR35)	483	LFT.	14	00	6762	00
	ASTM D-3034 Sanitary Sewer						
	Total					56004	00

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ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE		AMOUNT	
				DOLS.	CNTS	DOLLARS	CNTS
15	6 inch P.V.C. (SDR35) ASTM D-3034 Sanitary Sewer	188	LFT.	875		1645	00
16	6 inch P.V.C. (SDR35) ASTM D-3034 Cleanout	1	EA.	285	00	285	00
17	8 inch P.V.C. (SDR35) ASTM D-3034 Sanitary Sewer	866	LFT.	12	00	10392	00
18	Standard Manhole Type I and Type A Casting	2	EA.	1075	00	2150	00
19	Standard Manhole Type III & Type A Casting	2	EA.	1030	00	2060	00
20	Bituminous Patching	32	SYS.	26	00	832	00
21	Construction Engineering	1	L.S.	700	00	700	00
Total						18064	00

[illegible]





## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men by these Presents, That AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, and having its principal office in the City of Chicago, and State of Illinois, does hereby make, constitute and appoint Donald R. Rush, William G. Niezer,  
Gerald C. Kramer, Jr., Norma J. Hoepfner, R. Kelly Disser, Jr., Daniel J. Peters,  
Cynthia J. Hoffman, Individually  
of Fort Wayne, Indiana  
its true and lawful Attorney-in-Fact with full power and authority hereby conferred to sign, seal and execute in its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company:

### "Article VI—Execution of Obligations and Appointment of Attorney-in-Fact

Section 2. Appointment of Attorney-in-fact. The President or Vice President may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Vice President or the Board of Directors may at any time revoke all power and authority previously given to any attorney-in-fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 11th day of November, 1966:

"Resolved, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to Section 2 of Article VI of the By-Laws, and the signature of the Secretary or an Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power, and any power or certificate bearing such facsimile signatures and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

In Witness Whereof, AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed this 30th day of March, 1992.

State of Illinois )  
County of Cook ) ss

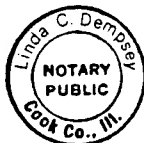


AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA

J. E. Purtell  
J. E. Purtell

Vice President.

On this 30th day of March, 1992, before me personally came J. E. Purtell, to me known, who, being by me duly sworn, did depose and say: that he resides in the Village of Glenview, State of Illinois; that he is a Vice-President of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, the corporation described in the which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



Linda C. Dempsey  
Linda C. Dempsey

Notary Public.

### CERTIFICATE

My Commission Expires October 19, 1994

I, Robert E. Ayo, Assistant Secretary of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, do certify that the Power of Attorney herein above set forth is still in force, and further certify that Section 2 of Article VI of the By-Laws of the Company and the Resolution of the Board of Directors, set forth in said Power of Attorney are still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said Company this 1st day of June, 1992.



Robert E. Ayo  
Robert E. Ayo

Assistant Secretary.

INV. NO. 12-B



O'ROURKE, ANDREWS & MARONEY, INC.

1721 MAGNAVOX WAY • P. O. BOX 885 • FORT WAYNE, IN 46801 • (219) 432-3400 • FAX: (219) 432-2075

May 29, 1992

Board of Park Commissioners of  
City of Fort Wayne, IN  
705 East State Boulevard  
Fort Wayne, IN 46805

RE: Shoaff Park Sanitary Sewer System

To Whom It May Concern:

This is to advise should our principal, Earth Construction, Inc. be awarded the referenced contract, the American Casualty Company of Reading, PA will furnish a Performance and/or Labor and Material Payment Bond in the amount of 100% of the contract price.

AMERICAN CASUALTY COMPANY OF READING, PA

\_\_\_\_\_  
Daniel J. Peters, Attorney-In-Fact

GCK:cc1

**ACORD CERTIFICATE OF INSURANCE**

ISSUE DATE (MM/DD/YY)

6/01/92

**PRODUCER**

O'Rourke, Andrews & Maroney  
1721 Magnavox Way, P O Box 885  
Fort Wayne, IN 46801

219-432-3400

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**COMPANIES AFFORDING COVERAGE**COMPANY  
LETTER **A**

Citizens Insurance Company

COMPANY  
LETTER **B**COMPANY  
LETTER **C**COMPANY  
LETTER **D**COMPANY  
LETTER **E****INSURED**

Earth Construction, Inc.  
3333 Engle Road  
Fort Wayne, IN 46809

**COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b>	CMP0301571	3/01/92	3/01/93	GENERAL AGGREGATE \$ 1000000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG \$ 1000000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV. INJURY \$ 1000000
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE \$ 1000000
					FIRE DAMAGE (Any one fire) \$ 50000
					MED EXPENSE (Any one person) \$ 5000
A	<b>AUTOMOBILE LIABILITY</b>	CAP0301570	3/01/92	3/01/93	COMBINED SINGLE LIMIT \$ 500000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	<input checked="" type="checkbox"/> HIRED AUTOS				
A	<b>EXCESS LIABILITY</b>	CU0302947	3/01/92	3/01/93	EACH OCCURRENCE \$ 5000000
	<input checked="" type="checkbox"/> UMBRELLA FORM				AGGREGATE \$ 5000000
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				
A	<b>WORKER'S COMPENSATION AND EMPLOYERS LIABILITY</b>	WK0301569	3/01/92	3/01/93	STATUTORY LIMITS \$
					EACH ACCIDENT \$ 500000
					DISEASE-POLICY LIMIT \$ 500000
					DISEASE-EACH EMPLOYEE \$ 500000
	<b>OTHER</b>				

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS**

RE: Shoaff Park Sanitary Sewer System

**CERTIFICATE HOLDER**

Board of Park Commissioners of  
City of Fort Wayne, IN  
705 East State Boulevard  
Fort Wayne, IN 46805

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE  
**O'ROURKE, ANDREWS & MARONEY, INC.** 202249000

**BID OF**

Earth Construction, Inc.

(Contractor)

3333 Engle Road

(Address)

Fort Wayne, IN 46809

**FOR  
PUBLIC WORKS PROJECTS  
OF**

Board of Park Commissioners of the

City of Fort Wayne

Shoalf Park Sanitary Sewer System

Filed June 01, 1992, 19    

Action taken

# CNA INSURANCE COMPANIES

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## BID BOND

KNOW ALL MEN BY THESE PRESENTS: That we Earth Construction, Inc.  
3333 Engle Road  
Fort Wayne, IN 46809

, Principal,  
and American Casualty Company of Reading, PA Surety, are held and firmly bound unto  
Board of Park Commissioners of City of Fort Wayne, IN  
705 East State Boulevard, Fort Wayne, IN 46805, Obligee,  
in the sum of 5% of the amount of the attached bid -----

----- Dollars (\$ ----- )  
for the payment of which we bind ourselves, our legal representatives, successors and assigns,  
jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted or is about to submit a proposal to Obligee on a contract  
for Shoaff Park Sanitary Sewer System

NOW, THEREFORE, if the said contract be awarded to Principal and Principal shall, within  
such time as may be specified, enter into the contract in writing and give such bond or bonds as  
may be specified in the bidding or contract documents with surety acceptable to Obligee; or if  
Principal shall fail to do so, pay to Obligee the damages which Obligee may suffer by reason of  
such failure not exceeding the penalty of this bond, then this obligation shall be void; otherwise to  
remain in full force and effect.

Signed, sealed and dated June 1, 1992

EARTH CONSTRUCTION, INC.  
(Principal)  
by Michael C. Evertson (Seal)  
Michael C. Evertson, President  
American Casualty Company of Reading, PA  
(Surety)  
by Daniel J. Peters  
Daniel J. Peters, Attorney-in-Fact

G-23054-C



For All the Commitments You Make®



**CONTRACTORS BID FOR PUBLIC WORKS****PART I**(To be completed for all bids)  
(Please type or print)

Date: June 01, 1992

1. Governmental Unit: Board of Park Commissioners of the City of Ft. Wayne

2. County: Allen

3. Bidder (Firm): Earth Construction, Inc.

Address: 3333 Engle Road

City/State: Fort Wayne, IN 46809

4. Telephone Number: 219-747-0505

5. Agent of Bidder (If applicable): \_\_\_\_\_

Pursuant to notices given, the undersigned offers to furnish labor and/or material necessary to complete the public works project of \_\_\_\_\_ (Governmental Unit) in accordance with plans and specifications of said unit for the sum of see attached proposal \$ \_\_\_\_\_. The undersigned further agrees to furnish a bond or certified check with this bid for an amount specified in the notice of the letting. If alternative bids apply, submit a proposal for each in accordance with the notice.

If additional units of material included in the contract are needed, the cost of units must be the same as that shown in the original contract. If the bid is to be awarded on a unit basis, the itemization of units shall be shown on a separate attachment. The Contractor and his subcontractors, if any, shall not discriminate against or intimidate any employee, or applicant for employment, to be employed in the performance of this contract, with respect to any matter directly or indirectly related to employment because of race, religion, color, sex, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

**CERTIFICATION OF USE OF UNITED STATES STEEL PRODUCTS**  
(If applicable)

I, the undersigned bidder or agent as a contractor on a public works project, understand my statutory obligation to use steel products made in the United States. I.C. 5-16-8-2. I hereby certify that I and all subcontractors employed by me for this project will use U.S. steel products on this project if awarded. I understand that violations hereunder may result in forfeiture of contractual payments.

**NON-COLLUSION AFFIDAVIT**

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

**OATH AND AFFIRMATION**

I affirm under the penalties of perjury that the foregoing facts and information are true and correct to the best of my knowledge and belief.

Dated at Ft. Wayne, IN this 1st day of June, 1992

Earth Construction, Inc.

(Name of Organization)



Michael C. Everton, President

(Title of Person Signing)

**ACKNOWLEDGEMENT**

STATE OF Indiana )  
 ) SS:  
COUNTY OF Allen )

Michael C. Everton

President

(Title)

of the above

Earth Construction, Inc.

(Name of Organization)

and that the

statements contained in the foregoing bid, certification and affidavit are true and correct.

Subscribed and sworn to before me this 1st day of June, 1992



Notary Public

Philip D. Shockney, Notary

My Commission Expires: 02-08-93

County of Residence: Allen

## ACCEPTANCE

The above bid is accepted this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, subject to the following conditions: \_\_\_\_\_

Contracting Authority Members:

_____	_____
_____	_____
_____	_____

## PART II

(Complete sections I, II, III and IV for all state and local public works projects as required by statutes.)

Governmental Unit: Board of Park Commissioners of Ft. Wayne, IN  
Bidder (Firm): Earth Construction, Inc.  
Date: June 01, 1992

These statements to be submitted under oath by each bidder with and as a part of his bid. Attach additional pages for each section as needed.

### SECTION I EXPERIENCE QUESTIONNAIRE

1. What public works projects has your organization completed?

Contract Amount	Class of Work	When Completed	Name and Address of Owner
1,261,857	Subdivision	1988-89	Bittersweet Homesteads, Ft. Wayne
1,092,500	Street & Util	1990	City of Decatur, IN
601,384	Water Main	1991	City of Fort Wayne
624,401	Utilities	1991	Parkview Memorial Hospital

2. What public works projects has your organization now in process of construction?

Contract Amount	Class of Work	When to be Completed	Name and Address of Owner
903,529	Site & Util	1992	Carew Medical Park, Parkview Mem Hosp
670,398	Utilities	1992	Town of Middlebury, IN
381,000	Sitework	1992	Auburn Foundry C.R. 48 Landfill

3. Have you ever failed to complete any work awarded to you? No If so, where and why?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. List references from private firms for which you have performed work.

<u>Parkview Memorial Hospital</u>	<u>Mike Westfall</u>
<u>Lougheed Enterprises, Inc.</u>	<u>Cook Lougheed</u>
<u>Engle Ridge Corp.</u>	<u>Fletcher Mopert</u>
<u>L.S.B., Inc.</u>	<u>Bill Simon</u>
<u>Georgetowne Place Dev't Corp</u>	<u>Nick Litchin</u>

## SECTION II PLAN AND EQUIPMENT QUESTIONNAIRE

1. Explain your plan or layout for performing proposed work. See Attached
2. If you intend to sublet any portion of the work, state the name and address of each subcontractor, equipment to be used by the subcontractor, and whether you expect to require a bond.
3. What equipment do you intend to use for the proposed project?
4. Have you made contracts or received offers for all materials within prices used in preparing your proposal?

## SECTION III CONTRACTOR'S FINANCIAL STATEMENT See Attached

Attachment of bidder's financial statement is mandatory. Any bid submitted without said financial statement as required by statute shall thereby be rendered invalid. The financial statement provided hereunder to the governing body awarding the contract must be specific enough in detail so that said governing body can make a proper determination of the bidder's capability for completing the project if awarded.

## SECTION IV OATH AND AFFIRMATION

I hereby affirm under the penalties of perjury that the facts and information contained in the foregoing bid for public works are true and correct to the best of my knowledge and belief.

Dated at Ft. Wayne, IN this 1st day of June, 19 92

Earth Construction, Inc.

(Name of Organization)

By 

Michael C. Evertson, President

(Title of Person Signing)

## ACKNOWLEDGEMENT

STATE OF Indiana )  
 ) SS:  
COUNTY OF Allen )

Michael C. Evertson being duly sworn, deposes and says that he is

President of the above Earth Construction, Inc.

(Title)

(Name of Organization)

and that the answers to the questions in the foregoing questionnaires and all statements therein contained are true and correct.

Subscribed and sworn to before me this 1st day of June, 19 92



Notary Public

Philip D. Shockney, Notary

My Commission Expires: 02-08-93

County of Residence: Allen

## PLAN AND EQUIPMENT QUESTIONNAIRE

The signatory of this questionnaire guarantees the truth and accuracy of all statements and of all answers to interrogatories hereinafter made.

1. In what manner have you inspected this proposed work? Explain in detail.

Thourough inspection of the jobsite

2. Explain your plan or layout for performing the proposed work.

We will perform this work in an accepted and standard method of construction and complete everything in a proper and workmanlike manner.

3. The work, if awarded to you, will have the personal supervision of whom? Michael C. Evertson, David A. Hiatt, Mike Johnson, Clark Bergdall and Randy Surfus.

4. Do you intend to do the hauling on the proposed work with your own forces? No

If so, give amount and type of equipment to be used.

5. If you intend to sublet the hauling or perform it through an agent, state amount of sub-contract or agent's contract, and if known, the name and address of sub-contractor or agent, amount and type of his equipment and financial responsibility. N/A

\* Items 4, 5, 6 and 7 may not be applicable in all building contracts; if not, omit.

6. Do you intend to do the grading on the proposed work with your own forces? Yes  
If so, give type of equipment to be used Motor Grader, Bulldozer, Excavator,  
Loader, Scraper, Compactor.
7. If you intend to sublet the grading or perform it through an agent, state amount of sub-contract or agent's contract, and, if known, the name and address of sub-contractor or agent, amount and type of his equipment and financial responsibility N/A
8. Do you intend to sublet any other portions of the work? No If so, state amount of sub-contract, and, if known, the name and address of the sub-contractor, amount, and type of his equipment and financial responsibility
9. From which sub-contractors or agents do you expect to require a bond? None
10. What equipment do you own that is available for the proposed work? See attached Schedule

[illegible]



[illegible]

13. Do you propose to rent any equipment for this work? \_\_\_\_\_ If so, state type, quantity and reasons for renting. \_\_\_\_\_ If any equipment is needed it will be rented.

14. Have you made contracts or received firm offers for all materials within prices used in preparing your proposal?  
Do not give names of dealers or manufacturers Yes

**EMERGING BUSINESS ENTERPRISE (E.B.E.) DECLARATION FORM**

BIDDER MUST CHECK EITHER "A", "B" OR "C" BELOW, TO DECLARE HIS/HER STATUS AS AN E.B.E. OR NON-E.B.E. CONTRACTOR:

A. XX The undersigned firm declares that it is not an E.B.E. contractor.

B. \_\_\_\_\_ The undersigned firm declares that it is an E.B.E. contractor.  
Please specify percentage of the economically disadvantaged individual's ownership: \_\_\_\_\_%.

C. \_\_\_\_\_ The undersigned declares that it and the firm \_\_\_\_\_, a certified E.B.E., have entered a joint venture to perform this contract, and therefore will be considered to be an E.B.E. contractor for this project.

Contractor:

Contractor:

Earth Construction, Inc.

By: 

Its: Michael C. Evertson, President

Its: \_\_\_\_\_

NOTE: A successful, non-E.B.E. bidder will be required to sign an "E.B.E. Rider" attached to the final contract. In the Rider, the successful bidder must agree that he/she will make a good faith effort to subcontract 10% of the overall contract amount to E.B.E. - certified subcontractors. A percentage less than 10% may be stipulated by the Owner in the Instructions to Bidders, but it is the Owner's goal to strive for 10%, pursuant to Executive Order 90-01 (as amended 12/19/91) of the City of Fort Wayne.

The Contractor will be awarded to the lowest bidder who is responsive and responsible. E.B.E. commitment is not a part of the contract award. The successful bidder will be required to sign the E.B.E. Rider or the contract will not be signed by the Owner.

BID  
SHOAFF PARK  
SANITARY SEWER SYSTEM

TO: Board of Park Commissioners  
of the  
City of Fort Wayne  
705 East State Boulevard  
Fort Wayne, Indiana 46805

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. This Bid will remain open for thirty (30) days after the day of Bid opening. BIDDER will sign the Agreement and submit the Contract Security and other Documents required by the Contract Documents within fifteen (15) days after the date of OWNER's Notice of Award.
3. In submitting his Bid, BIDDER represents, as more fully set forth in the Agreement, that:
  - a. BIDDER has examined copies of all the Contract Documents, Advertisement or Invitation to Bid and the Instructions to Bidders, and BIDDER has examined copies of (receipt of all of which are hereby acknowledged) Addenda Nos. 1.
  - b. BIDDER has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance, or furnishing of Work.
  - c. BIDDER has studied carefully all reports and drawings of subsurface conditions and drawings of physical conditions which are identified in the Supplementary Conditions as provided in Paragraph 4.2 of the General Conditions, and accepts the determination set forth in Paragraph SC-4.2 of the Supplementary Conditions of the extent of the technical data contained in such reports and drawings upon which BIDDER is entitled to rely.

Read the first time in full and on motion by Long,  
and duly adopted, read the second time by title and referred to the  
Committee on City Minutes (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne,, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_, M., E.S.T.

DATED: 6-23-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long,  
and duly adopted, placed on its passage. PASSED FOOT  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 7-14-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_  
(SPECIAL) \_\_\_\_\_ (ZONING) \_\_\_\_\_ ORDINANCE \_\_\_\_\_ RESOLUTION NO. S-114-92  
on the 14th day of July, 1992

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Thomas E. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 15th day of July, 1992,  
at the hour of 11:00 o'clock \_\_\_\_\_, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of July,  
1992, at the hour of 1:30 o'clock \_\_\_\_\_, M., E.S.T.

11666  
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

*J-52-06-17*

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 1604 for the installation of a sanitary sewer system at Shoaff Park for the Park Department.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: New sanitary sewer system will be installed.

IF REPLACEMENT, WHAT NECESSITATES:

EFFECT OF NON-PASSAGE: The temporary permit issued by the Board of Health will expire, resulting in fines and the ultimate closure of Riverlodge and Conklin Pavilions, and the golf clubhouse.

MONIES INVOLVED: Earth Construction \$74068.00+/-

ACCOUNT INFO: Park Department 422-121-PKTR-4361

PRICE AGREEMENT: YES

PURCHASE ORDER: NO

SOURCE OF FUNDING: Park Department

PRIOR APPROVAL: No  
(IF APPLICABLE)

DATE:



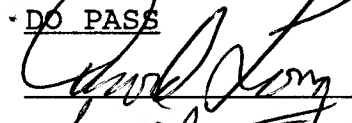
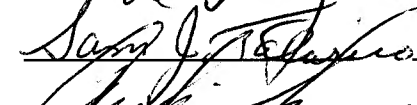
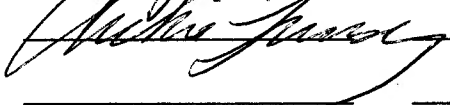
BILL NO. S-92-06-17

REPORT OF THE COMMITTEE ON  
CITY UTILITIES

DAVID C. LONG, CHAIR  
SAMUEL J. TALRAICO, VICE CHAIR  
LUNSEY, BRADBURY

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding'  
of Reference #1604 by the City of Fort Wayne, Indiana, by and  
through its Department of Purchasing and EARTH CONSTRUCTION, INC.  
for the Parks and Recreation Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
			
			
			

DATED: 7-14-92

Sandra E. Kennedy  
City Clerk